

E-FILED

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 MAY 16 P 3:05

V.

RODRIGUEZ-Almanza, Bernardo

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

CRIMINAL COMPLAINT

Sm

(Name and Address of Defendant)

CASE NUMBER:

07 70284

HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, September 9, 2006, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant

APPROVED AS TO FORM:

Robert F. ... - 5/15/07
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

5/16/07
Date

at

San Jose, California
City and State

Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

RE: RODRIGUEZ-ALMANZA, Bernardo

A 092 952 812

I, Darin L. Masterton, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, and the former Immigration and Naturalization Service (INS), since September 15, 1996. I am currently assigned to the Criminal Alien Program (CAP) at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) DEFENDANT: RODRIGUEZ-ALMANZA, Bernardo, is a 39-year-old male, citizen and native of Mexico, born on September 2, 1972, in Mexico, substantiated by official A-File records, and initial statements given by the DEFENDANT on September 9, 2006, to ICE Immigration Enforcement Agent Alejandro Sierra;
- (2) The DEFENDANT has been assigned Alien Registration number of A092 952 812, FBI number of 611467EA0, California Criminal Information Index number of A08063202;
- (3) The DEFENDANT is also known by the following alias ("AKAs") names:


Alonzo PERALES
Manuel Lopez OCHOA
Juan GARCIA
Arturo OCHOA
Bernado RODRIGUEZ

- (4) On July 24, 1990, the DEFENDANT was convicted in the Superior Court of California, for the offense of SECOND DEGREE ROBBERY, a felony, in violation of California Penal Code Section 211, and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F);
- (5) On February 24, 1992, the DEFENDANT was convicted in the Superior Court of California, for the offense of UNLAWFUL TAKING OF A MOTOR VEHICLE a felony, in violation of California Vehicle Code Section 10851, and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);
- (6) On July 9, 1993, the DEFENDANT was convicted in the Superior Court of California, for the offense of SECOND DEGREE ROBBERY, a felony, in violation of California Penal Code Section 211, and was sentenced to three years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F);
- (7) On October 9, 1998, INS arrested and deported the DEFENDANT from the United States to Mexico;

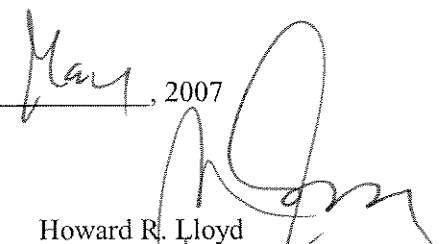
RE: RODRIGUEZ-ALMANZA, Bernardo

A 092 952 812

- (8) On March 17, 2000, the DEFENDANT was convicted in the Superior Court of California, for the offense of ASSAULT WITH A DEADLY WEAPON, a felony, in violation of California Penal Code Section 245, and was sentenced to eight years in state prison. This offense is defined as an aggravated felony under Title United States Code, Section 1101(a)(43)(F);
- (9) On September 9, 2006, the DEFENDANT was encountered by ICE Immigration Enforcement Agent (IEA) Alejandro Sierra at Soledad State Prison, Soledad, California, and determined to be unlawfully present in the United States after a prior deportation. IEA Sierra advised the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (10) The DEFENDANT's official A-File does not contain any record or indication that the DEFENDANT requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (11) The DEFENDANT's fingerprints and photographs taken by Soledad State Prison and by IEA match those of the fingerprints and photographs in A-File A092 952 812;
- (12) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.


Darin L. Masterton
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 16 day of May, 2007


Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE